

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL YOUNG,)	
)	
Plaintiff,)	08 C 302
)	
vs.)	Honorable Judge
)	Virginia Kendall
LIEUTENANT MARILYN MARTINEZ et. al.)	
)	
Defendants.)	

DEFENDANTS ANSWER TO PLAINTIFF'S COMPLAINT

NOW COME Defendants, Lieutenant Marilyn Martinez, Lieutenant Richard Dominguez, Officer Danielle Harms and Officer Thomas Cintron, by their attorney Richard A. Devine State's Attorney of Cook County, through his Assistant Michael L. Gallagher and answer the Plaintiff's complaint as follows:

1. On July 28, 2007, Defendant L. Williams, Mr. Cintron, Mr. Wison and Mr. Dominguez, did, on this day, while acting under color of state law in their individual capacity as employees of Cook County Department of Corrections, did, on this day, conspired to violate Plaintiff Mr. Michael Young Fourth Amendment Constitutional rights to be secured in person against unreasonable use of force.

ANSWER: Defendants deny the allegations contained in paragraph 1.

2. When these defendants shook the Plaintiff cell down with the use of employees disguised as Emergency Response Team (E.R.T.) to confiscate and destroy Plaintiff criminal court documents, pictures and letters to provoke Plaintiff into a physical altercation.

ANSWER: Defendants deny the allegations contained in paragraph 2.

3. Resulting in these defendants and with the use of Emergency Response Team using oak sticks, helmets, shields, leather gloves and mace to beat Plaintiff up.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3.

4. While defendant Ms. Harms held the video camera who deliberately turned the camera away from the fight so that it would not be recorded the beating that Plaintiff and other pre-trial detainees received during the physical altercation.

ANSWER: Defendants deny the allegations contained in paragraph 4.

5. Plaintiff was struck with sticks and stumped and sprayed with mace.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5.

6. On August 8, 2007, Defendant L. Williams and Defendant Ms. Martinez, did, on this day, while acting under color of state law as Cook County Department of Corrections Employees in their individual capacity, did, on this day, conspired to cover up the physical altercation that took place with Plaintiff Mr. Michael Young.

ANSWER: Defendants deny the allegations contained in paragraph 6.

7. When they fabricated a disciplinary report alleging the Plaintiff refused to lock-up in order to give justification to Defendants Mr. Cintron, Mr. Wizon and Mr. Dominguez and the Emergency Response team to beat Plaintiff up and discipline him by giving him 30 days in disciplinary confinement without any evidence to support the finding, in violation of Plaintiff Fourteenth Amendment right to procedural due process.

ANSWER: Defendants deny the allegations contained in paragraph 8.

AFFIRMATIVE DEFENSES

NOW COME Defendants, Lieutenant Marilyn Martinez, Lieutenant Richard Dominguez, Officer Danielle Harms and Officer Thomas Cintron, by their attorney, Richard A. Devine, Cook County State's Attorney, through his assistant, Michael L. Gallagher, and the state the following Affirmative Defenses:

1. The Defendant's conduct was at all times objectively reasonable and did not violate any of Plaintiff's clearly established Constitutional rights. Accordingly, the Defendant is entitled to the defense of Qualified Immunity.

2. The Plaintiff has failed to exhaust his administrative remedies as required by the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a). See Massey v. Helman 196 F.3d 727 (7th Cir. 1999).

WHEREFORE, based upon the foregoing, Defendants Lieutenant Marilyn Martinez, Lieutenant Richard Dominguez, Officer Danielle Harms and Officer Thomas Cintron, respectfully request that this Honorable Court grant judgment in their favor and against the Plaintiff on all aspects of his Complaint and further request that this Honorable Court grant any other such relief that this Court deems just and appropriate.

JURY DEMAND

Defendants, Lieutenant Marilyn Martinez, Lieutenant Richard Dominguez, Officer Danielle Harms and Officer Thomas Cintron respectfully demand trial by jury.

Respectfully Submitted,

RICHARD A. DEVINE
State's Attorney of Cook County

/s/ Michael L. Gallagher
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